



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of Tony GIORDANO *et al.*

Confirmation No.: 4861

Application No.: 10/762,395

Group Art Unit: 1639

Filed: January 22, 2004

Examiner: J. Epperson

**For: Use of Post-Transcriptional Gene Silencing for Identifying Nucleic Acid
Sequences that Modulate the Function of a Cell**

Commissioner for Patents
U.S. Patent and Trademark Office
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INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §1.97(b)

In accordance with the duty of disclosure set forth in 37 C.F.R. §1.56,
Applicant(s) hereby submits the following information in conformance with 37 C.F.R. §§1.97
and 1.98.

- ☒ Pursuant to 37 C.F.R. §1.98, copies of documents 1-4 cited in the attached Form PTO-1449 are enclosed.
- ☐ Copies of the remaining publications listed on the attached Form PTO-1449 are not being provided pursuant to 37 C.F.R. §1.98(d) because the publications were previously cited by or submitted to the Office in prior Application Serial Nos.:
to which the above-identified application claims priority under 35 U.S.C. §120.
- ☐ Copies of documents that were not submitted in the above-mentioned related United States Patent Applications may be found in related United States Patent Application Nos.:
Should the Examiner be unable to locate a document, a copy will be provided upon request.
- ☐ No copies of any U.S. patents or U.S. patent application publications listed on the attached Form PTO-1449 are being provided pursuant to 37 C.F.R. §1.98.

- [x] Applicants would also like to bring to the Examiner's attention *Benitec v. Nucleonics* Civil Action No. 04-CV-0174 (JJF) in the U.S. District Court for the District of Delaware.

Should the Examiner wish to review any documents in Applicants' possession related to this action, the Examiner is invited to contact the undersigned and any documents requested will be forwarded.

- [x] Documents 1, 2 and 4 listed on the attached Form PTO-1449 were cited in a foreign search or examination report corresponding to European application serial no. 02250681.0 and mailed on August 8, 2006. This application is related to the instant application.
- [] Enclosed is a copy of a non-English publication(s) _____. Pursuant to §609 of the M.P.E.P., Applicant submits the attached foreign search or examination report, which cites such non-English language publication(s).
- [] Enclosed is a copy of a non-English publication(s) _____. English language publication ____ (copy enclosed) claims priority from this non-English publication.
- [] An English translation of non-English document _____ is attached to the document. An English abstract of non-English publications _____ and _____, documents ____ and ____ respectively, may be found attached to the publication.
- [] The Examiner's attention is directed to related co-pending United States Patent Application Serial Nos.:

This Information Disclosure Statement is filed within any one of the following time periods:

- [] within three months from the filing date of this national application other than a CPA under 37 C.F.R. § 1.53(d);
- [] within three months from the date of entry of the national stage as set forth in 37 C.F.R. § 1.491 in this international application;
- [x] before the mailing date of a first office action on the merits; or
- [] before the mailing of a first office action after the filing of a request for continued examination under 37 C.F.R. § 1.114.

It is respectfully requested that the Examiner consider the above-noted information and return an initialed copy of the attached Forms PTO-1449 to the undersigned. The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 50-1283.

Dated: Feb. 26, 2007

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Respectfully submitted,
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INFORMATION DISCLOSURE CITATION (Use several sheets if necessary) PTO Form 1449		Attorney Docket No. NUCL-002/01US		Application No. 10/762,395		
		Applicants: Tony GIORDANO <i>et al.</i>		PAGE 1 of 1		
		Filing Date: January 22, 2004		Group Art Unit: 1639		
U.S. PATENT DOCUMENTS						
Initial	Document No.	Date	Name	Class	Sub-Class	Filing Date
FOREIGN PATENT DOCUMENTS						
	Document No.	Date	Country	Class	Sub-Class	Translation
1.	WO 01/75164 A2	10/11/2001	WIPO			
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, etc.)						
2.	Bosher and Labouesse, "RNA interference: genetic wand and genetic watchdog," Nature Cell Biology 2:E31-E36 (2000).					
3.	Bradbrook, "European Search Report," from European patent appl. No. 02250681.0, 5 pages, European Patent Office, Munich Germany (mailed December 15, 2003).					
4.	Elbashir et al., "RNA interference is mediated by 21- and 22-nucleotide RNAs," Genes Dev. 15:188-200 (2001).					
Examiner		Jeffrey Lundgren/		Date Considered		01/08/2009
Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.						